

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VIRNETX INC.

Plaintiff

vs.

APPLE INC.

Defendant.

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CASE NO. 6:13-CV-211

ORDER

Before the Court is Apple Inc.'s ("Apple") Unopposed Motion to Seal Portions of the August 15, 2013 Hearing Transcript (Docket No. 56). This action was severed from *VirnetX Inc. v. Cisco Systems, Inc., et al.*, No. 6:10-cv-417 (E.D. Tex. 2010) ("the original case"), in order to handle VirnetX's request for an ongoing royalty. 6:13-cv-211, Docket No. 1. Apple remained a party to the original case. The August 15, 2013 hearing transcript was filed in the original case on August 21, 2013. 6:10-cv-417, Docket No. 849. The parties to the original case did not ask the Court to seal the transcript at that time. Accordingly, the August 15, 2013 hearing transcript was made available to the public without redaction on November 22, 2013. Because the August 15, 2013 hearing transcript has been public for four months, sealing portions of the copy filed in this case would be futile. Accordingly, the Motion is **DENIED**.

The Court reminds the parties that they may protect sensitive information disclosed at a hearing by requesting that the courtroom be sealed while that information is discussed. When the courtroom is sealed, the corresponding transcript portion will also be sealed without requiring a later motion to seal the transcript. The practice of sealing the courtroom during a hearing,

instead of later requesting to seal portions of the hearing transcript, conserves the parties' and Court's resources, and reduces the inadvertent disclosure of sensitive information to the public.

So ORDERED and SIGNED this 27th day of March, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**